

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
JOELENE RYAN, RN	:	CORRECTED
License No. 26N011975400	:	FINAL ORDER ¹
	:	
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDING OF FACT

1. Joeline Ryan ("Respondent") is licensed as registered professional nurse in the State of New Jersey and has been a licensee at all relevant times.

2. The Board received information indicating that Respondent was terminated in or around December 2010 from her employment as a

¹ This Final Order is entered as a correction to a Final Order of Discipline entered on June 18, 2012. The Order was characterized in error as a "Final Order of Discipline," inasmuch as no actual "discipline" was imposed by the order. The order also includes no findings of any statutory or regulatory violation. Moreover, a reference to a "Provisional Order of Discipline" in the June 18, 2012 order was also in error: the April 4, 2012 order referenced was actually entitled "Provisional Order."

nurse at The Memorial Hospital of Salem County after being suspended and investigated for substandard work, unprofessional conduct, and patient abuse.

3. The Board issued a Demand for Statement in Writing Under Oath to Respondent in or about August 2011. Respondent replied in or about September 2011.

4. On January 11, 2012, Respondent appeared before a committee of the Board to give testimony at an investigative inquiry.

5. Respondent submitted supplemental correspondence for the Board's review dated March 1, 2012.

6. Respondent submitted supplemental correspondence for the Board's review dated March 16, 2012.

CONCLUSIONS OF LAW

The Board finds that the circumstances leading to Respondent's termination, answers to the Demand for Written Statement Under Oath, testimony at the January 2012 investigative inquiry, and supplemental written statements made in March 2012 demonstrate that she may be incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare within the intendment of N.J.S.A. 45:1-21(i). Pursuant to N.J.S.A. 45:1-22(f), the Board may order any person, as a condition of continued licensure, to submit to a psychological evaluation which may be required to evaluate whether continued practice may jeopardize the safety and

welfare of the public.

Based on the foregoing findings and conclusions, a Provisional Order was entered on April 4, 2012, provisionally ordering respondent to undergo a comprehensive mental health evaluation under the auspices of the Recovery and Monitoring Program (RAMP) or some other Board-approved evaluator. A copy of the order was forwarded to respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusion of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent's attorney replied to the Provisional Order, contesting the factual basis for ordering respondent to undergo evaluation, and arguing that respondent had no notice that her mental health would be at issue. However, the Board found that the apparently disordered thought processes manifested in respondent's testimony and rambling written submissions, much of it focused at length on irrelevancies (such as whether or not she had underlined material in her written submissions) were so striking that an objective psychological evaluation by an independent expert was

clearly appropriate. Respondent's attorney did not address the nature of respondent's written submissions and testimony in his response at all, although as exhibits they were an essential part of the Provisional Order. The Board thus considered respondent's submissions, and her attorney's response, and determined that no reasonable person could read those submissions and that testimony without having questions about the judgment and reasoning of this highly intelligent licensee. The ability to exercise judgement is crucial to the practice of nursing, and the wellbeing of vulnerable patients may be placed in jeopardy where that ability is impaired or defective. The legislative purpose behind N.J.S.A. 45:1-22(f) is surely to protect the safety of the public in factual circumstances such as these. Therefore, the Board determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 24th DAY OF July, 2012,

ORDERED that:

1. Respondent shall undergo a comprehensive mental health evaluation under the auspices of the Recovery and Monitoring Program of New Jersey ("RAMP"), or other Board approved evaluator, within forty-five (45) days of the date of filing of this Final Order in this matter. Fourteen days (two weeks) prior to the scheduled date of Respondent's evaluation, Respondent shall notify the Board, in writing and via fax, of the name of the evaluator,

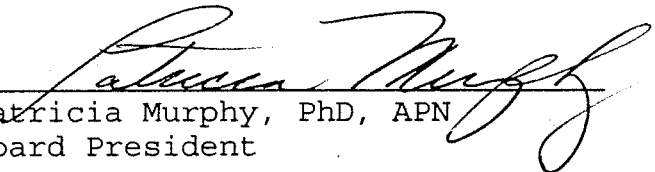
and the date and time of the appointment, so that the record in this matter may be provided to the evaluator. Respondent shall arrange to have evaluator submit a report of the evaluation directly to the Board within twenty-one days (three weeks) of the evaluation. The report shall address whether Respondent is fit and competent to practice, and specify the limitations or conditions, if any, under which such practice may continue. The report shall address whether Respondent's continued practice may jeopardize the health, safety and welfare of the public.

2. Failure to comply with the terms of this Order may be deemed professional misconduct pursuant to N.J.A.C. 13:45C1-4, which may subject Respondent to further discipline pursuant to N.J.S.A. 45:1-21(e), including suspension of license to practice.

3. The Board reserves the right to take further action, including discipline and or placing limitations or restrictions on Respondent's license, based upon any new information or upon the results of the evaluation.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President